

**Debbie Beadle**

---

**From:** Evan Maxim  
**Sent:** Wednesday, March 6, 2013 8:43 AM  
**To:** Melonie Anderson; Debbie Beadle  
**Subject:** FW: Erosion Control Technologies Effectiveness Review  
**Attachments:** Erosion Control Technologies Review.pdf

**EXHIBIT NO.**

**CC10**

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

ECA public comment

*Evan Maxim  
Senior Planner  
City of Sammamish  
425.295.0523*

---

**From:** James Osgood [mailto:jim@Officefinder.onmicrosoft.com]  
**Sent:** Tuesday, March 05, 2013 10:08 PM  
**To:** Evan Maxim  
**Subject:** FW: Erosion Control Technologies Effectiveness Review

I do not see this posted on the ECA website.

James Osgood  
425.391.8900 ext 4

[OfficeFinder.com](#) [OfficeFinder Blog](#) [LinkedIn Profile](#)

---

**From:** James Osgood  
**Sent:** Wednesday, February 27, 2013 10:34 AM  
**To:** [citycouncil@ci.sammamish.wa.us](mailto:citycouncil@ci.sammamish.wa.us)  
**Subject:** Erosion Control Technologies Effectiveness Review

Attached please find my review of the effectiveness of current erosion control technologies related to testimony received during the Planning Commission process. I have provided hyperlinks to the appropriate comments. These expert testimonies and DOE findings should demonstrate that reliable erosion control can take place within the EHNSWB special overlay with little or no risk of erosion or sedimentation affecting Lake Sammamish.

Please do add this as public comment.

Thank you for your consideration,

Jim Osgood  
19661 SE 24<sup>th</sup> Way  
Sammamish, Wa 98075  
425-391-8900 ext 4

#### **21A.50.140 Mitigation, maintenance, monitoring and contingency.**

\* \* \* \*

(3) Mitigation shall be in-kind and on-site where feasible and sufficient to maintain critical area and buffer functions, and where applicable to prevent risk from a hazard posed by a critical area, **except that mitigation shall be off-site when the following apply:**

(a) A qualified professional determines or an applicant otherwise demonstrates that it is not feasible to mitigate on the development proposal site; and

(b) A qualified professional determines or an applicant otherwise demonstrates that the off-site mitigation will achieve equivalent or greater hydrological, water quality and wetland or aquatic area habitat functions.

(5) When off-site mitigation is authorized, the City shall give priority to locations in the following order of preference:

(a) Within the same drainage subbasin;

(b) Within the city limits;

(c) Within the boundaries of a state and/or federally-approved fee-in-lieu mitigation program.

(6) Mitigation shall not be implemented until after the City of Sammamish approves the applicable critical areas study, mitigation plan and any required permits. Following City approval, mitigation shall be implemented in accordance with the provisions of the approved critical areas study and mitigation plan. (Ord. O2005-193 § 1; Ord. O99-29 § 1)

---

#### **21A.50.310 Wetlands – Mitigation requirements.**

When mitigation for wetland and/or wetland buffer impacts is required, mitigation shall meet the requirements listed in SMC 21A.50.145 in addition to the following supplementary requirements:

\* \* \* \* \*

(4) Mitigation Type and Location. Mitigation actions shall be in-kind and conducted within the same sub-basin and on the same site as the alteration, **except that mitigation shall be off-site when the following apply:**

(a) A qualified professional determines or an applicant otherwise demonstrates there are **no reasonable on-site opportunities for mitigation**, or on-site opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;

(b) A qualified professional determines or an applicant otherwise demonstrates **off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the impacted wetland**; and

(c) Off-site locations have been identified and evaluated in the following order of preference:

(i) State and/or federally-approved fee-in-lieu or mitigation bank program sites within the City limits in accordance with SMC 21A.50.315;

- (ii) State and/or federally-approved fee-in-lieu or mitigation bank program sites within the WRIA 8 in accordance with SMC 21A.50.315;
- (iii) Other state and/or federally-approved fee-in-lieu or mitigation bank program sites.

---

#### **21A.50.315 Wetlands – Alternative Mitigation**

\* \* \* \* \*

##### **(2) Fee-in-lieu Mitigation.**

(a) Fee-in-lieu mitigation shall be approved for use as compensation for approved impacts to wetlands, when:

- (i) Criteria in SMC 21A.50.310(4) are met;
- (ii) A state and/or federally-approved fee-in-lieu mitigation is available;
- (iii) A qualified professional determines or an applicant otherwise demonstrates that wetland fee-in-lieu mitigation provides appropriate compensation for the authorized impacts;
- (iv) The proposed use of fee-in-lieu mitigation is consistent with the terms and conditions of the fee-in-lieu mitigation program that is selected; and

(v) The compensatory mitigation agreement occurs in advance of authorized impacts.

(b) Available fee-in-lieu mitigation programs shall be identified and evaluated in the following order of preference:

- (i) A state and/or federally- approved fee-in-lieu program that utilizes receiving mitigation sites within the City of Sammamish.
- (ii) The King County Mitigation Reserves Program, or other state and/or federally-approved program that gives priority to sites within the same sub-basin and/or a pre-defined service area that includes the City of Sammamish;
- (iii) Other state and/or federally-approved fee-in-lieu mitigation program.

---

#### **21A.50.350 Streams – Mitigation requirements.**

When mitigation for stream or stream buffer impacts is required, mitigation shall meet the requirements listed in SMC 21A.50.145 in addition to the following supplementary requirements:

\* \* \* \* \*

(2) Mitigation Type and Location. Mitigation actions shall be in-kind and conducted within the same sub-basin and on the same site as the alteration, **except that mitigation shall be off-site when the following apply:**

- (a) A qualified professional determines or an applicant otherwise demonstrates there are no reasonable on-site opportunities for mitigation or on-site opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;

(b) A qualified professional determines or an applicant otherwise demonstrates off-site mitigation has a greater likelihood of providing equal or improved functions than the impacted stream; and

(c) Off-site locations have been identified and evaluated in the following order of preference:

(i) State and/or federally-approved fee-in-lieu or mitigation bank program sites located within the city limits in accordance with the provisions of this section;

(ii) State and/or federally-approved fee-in-lieu or mitigation bank program sites located within the WRIA 8 in accordance with the provisions of this section;

(iii) Other state and/or federally-approved fee-in-lieu or mitigation bank program sites.

(3) Fee-In-Lieu Stream Mitigation Program. Fee-in-lieu mitigation may be authorized for streams, subject to the avoidance sequence requirements and mitigation measures of this title, and the availability of a state and/or federally approved fee-in-lieu program, to be used in the following order of preference:

(a) A state and/or federally-approved program that utilizes receiving mitigation sites within the City of Sammamish.

(b) The King County Mitigation Reserves Program, or other state and/or federally-approved program that gives priority to sites within the same sub-basin and/or a pre-defined service area that includes the City of Sammamish;

(c) Other state and/or federally-approved fee-in-lieu program sites.

SEA\_DOCS:1093607.2